

CIVIL SERVICE COMMISSION MINUTES

JUNE 1, 2005

A meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

A.Y. Casillas
Barry I. Newman
Francesca Krauel
W. Dale Bailey

Absent was: None

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamary, Executive Officer
William D. Smith, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

**Approved
Civil Service Commission**

July 6, 2005

1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters
and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San
Diego, California

COMMENTS: Motion by Newman to approve all items not held for discussion; seconded by Krauel. Carried.

County Administration Center, Room 400B
(Notice pursuant to Government Code Sec. 54954.2)
Members of the public may be present at this
location to hear the announcement of the
closed session agenda.

- 2

DISCIPLINES

Findings

2. Commissioner Krauel: Fern Steiner, Esq., on behalf of **2005-03**, appealing an Order from the Sheriff's Department. (Continued from the May 18th Commission meeting.)

FINDINGS AND RECOMMENDATIONS:

The matter of the appeal of 2005-03, from a written Order of Discipline from the Sheriff's Department was presented to the Civil Service Commission. The Commission appointed Commissioner Francesca Krauel to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Having been duly noticed, the Evidentiary Hearing was conducted by the Hearing Officer on May 5, 2005. Based on the Findings and Conclusions submitted to the Commission, it is hereby recommended that the Order of Discipline be affirmed; that the Commission read and file this report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Krauel to approved Findings and Recommendations; seconded by Casillas. Carried.

Commissioner Newman stated that upon his review of the documents submitted by both parties, it is his contention that an increase in the discipline would have been appropriate. For that reason, he votes against this motion.

| | |
|---------------------|---------------------------------|
| AYES: | Casillas, Krauel, Bailey |
| NOES: | Newman |
| ABSTENTIONS: | None |
| ABSENT: | None |

DISCRIMINATION

Complaints

3. Gayle Mayfield-Venieris, Esq., on behalf of **Cynthia Miller**, Psychiatric Nurse, alleging retaliation discrimination and harassment by the Health and Human Services Agency.

RECOMMENDATION: Assign an Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back.

Staff recommendation approved. Commissioner Newman assigned.

SELECTION PROCESS

Appeals

4. **Jesus Lopez**, Human Services Specialist, Health and Human Services Agency, appealing his non-selection for the classification of Social Worker III by the Health and Human Services Agency.

RECOMMENDATION: Deny Request.

Mr. Lopez addressed the Commission explaining that he does not understand why he was failed on his background check. He further stated that he has no convictions on his record to his knowledge. He would like to obtain specific reasons for his disqualification.

Mr. Gerard explained that the Senior CPS worker reviewed the report prepared from the case record. There were four charges, 3 of which were not substantiated. The most recent charge has been substantiated. He explained that the Agency's main concern in selecting Social Workers is the health and safety of the children and clients the Agency serves.

The Commission took action to continue this item to allow Mr. Lopez the opportunity to provide the Agency with any information that he feels will support his appeal. This matter will be brought back once the Agency has had an opportunity to review the additional information provided by Mr. Lopez.

Motion by Krauel to continue this item; seconded by Newman. Carried.

5. **Randall Dibb**, Deputy Sheriff, Sheriff's Department, appealing the Department of Human Resources' and the Sheriff's Department's administration of the selection process (regarding the notification process and time frame for filing applications) for the classification of Sheriff's Sergeant.

RECOMMENDATION: Deny Request.

Continued.

6. **Karen Lofgren**, Confidential Paralegal, Office of the County Counsel, appealing her inability to laterally transfer to the classification of Paralegal II in the District Attorney's Office.

RECOMMENDATION: Deny Request.

Withdrawn

CIVIL SERVICE RULES

7. **Carlos Arauz**, Director, Department of Human Resources, requesting the Commission's review of proposed Rule revisions and transmittal to the Board of Supervisors. (Continued from the May 18th Commission meeting.)

RECOMMENDATION: Continue to the next Commission meeting.

Continued.

OTHER MATTERS

8. Employment of Independent Contractor to Assist Hearing Officers. Authorize County Counsel to prepare and execute an amendment to extend the agreement and, if so desired by the Commission, increase compensation for an additional year.

Motion by Newman to authorize County Counsel to prepare and execute an amendment to extend the agreement for an additional year, and to increase compensation of Independent Contractor by \$10.00/hr. Seconded by Krauel. Carried.

INFORMATION

9. Fern Steiner, Esq., on behalf of **Linda Stirpe**, Licensed Mental Health Clinician, Health and Human Services Agency, withdrawing a request for a Rule XI investigation regarding the conduct and operations of the Department of Human Resources stemming from her layoff in 1999.

10. Public Input.

OFF DOCKET ITEM

Extension of Temporary Appointments

11. Office of the Public Defender

A. 5 Deputy Public Defender I (Isaac Blumberg, Denis Lainez, Richard Longman, Kristin Scogin, Saba Sheibani)

RECOMMENDATION: Ratify.

Motion by Casillas to accept off-docket item; seconded by Bailey. Carried.

Upon the acceptance of this off-docket item, Commissioner Krauel requested an explanation from the Department as to why these 5 Deputy Public Defender I's were on a temporary list since the Office of the Public Defender had recently

gone through a suborganizational layoff a little over a year ago.

Jeanne Wagner, representing the Department, explained that the reason for the immediate need to place these extensions on this Agenda was because these extensions are due to expire on June 10, 2005.

The Commission extended these temporary appointments for a period of 60 days. This matter will be continued to the next Commission meeting, wherein the Department will provide the Commission with an explanation to the following:

- The result of the original suborganizational plan that was approved on April 21, 2004;
- The status of the attorneys who were at risk of layoff at that time; and
- How do these temporary employees fit into the organizational plan for the future

Motion by Newman to approve extension of temporary appointments for 60 days. Also to request Department to provide a full report as to the result of the original personnel action that the Commission voted on and how these five individuals fit into that personnel action. Seconded by Krauel. Carried.

ADJOURNED: 3:05 p.m.

NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION: JULY 6, 2005.